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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/553,735	10/20/2005	Takayoshi Tanizawa	HOK-0289	7791
23353 7590 05/22/2007 RADER FISHMAN & GRAUER PLLC LION BUILDING 1233 20TH STREET N.W., SUITE 501 WASHINGTON, DC 20036			EXAMINER THANH, QUANG D	
			ART UNIT 3771	PAPER NUMBER
			MAIL DATE 05/22/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/553,735

Applicant(s)

TANIZAWA ET AL.

Examiner

Quang D. Thanh

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3771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>10/20/05</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1- 3 are rejected under 35 U.S.C. 102(b) as being anticipated by Cutler et al. (6,290,661). Cutler et al. discloses a massage machine which gives a massage to a user according to a massage program (see abstract), said massage machine including: a parameter changing means 12 (fig. 1) for inputting a change of a parameter of the massage program; a memory (fig. 3, col. 2, lines 61-65) for storing said change of the parameter inputted by said parameter changing means for each user; a user discrimination means (program A and B providing separate programs for two different users: his/her, col. 5, lines 14-17) for discriminating each user out of two users stored in said memory; a control means 14 (fig. 1) which reads out the change of the parameter corresponding to a user discriminated by said user discrimination means from said memory and executes the massage program according to the change of the parameter (col. 6, lines 13-25); wherein said memory comprises a first memory for temporarily storing the change of the parameter inputted by said parameter changing means during

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execution of the massage program for a user, and a second memory for storing the change of the parameter stored in said first memory while making the change correspond to the user after completion of the massage program (col. 2, lines 61-65, col. 3, lines 4-6 and col. 7, lines 9-11); wherein said massage machine is a chair type massage machine 10 which has a backrest 22 (fig. 2) having a built-in massage unit 26 which gives a massage movement (pulse or wave) to a user.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 3-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yuichi et al. (JP-2002-159550) in view of Kitawaki (6,980,234). Yuichi et al. discloses a massage machine which gives a massage to a user according to a massage program (see abstract), said massage machine including: a parameter changing means 4 (fig. 3) for inputting a change of a parameter of the massage program; a memory 6 (fig. 1) for storing said change of the parameter inputted by said parameter changing means for each user; a control means 3 (fig. 1) which reads out the change of the parameter from said memory and executes the massage program according to the change of the parameter ; wherein said massage machine is a chair type massage machine which has a backrest (fig. 2) having a built-in massage unit 2 which gives a massage

movement to a user; wherein the parameter of the massage program includes a message unit position parameter concerning a position of the message unit, said memory storing a change of the message unit position parameter inputted by said parameter changing means for a user (see abstract); wherein the parameter of the massage program includes an angle parameter concerning a reclining angle of the backrest, said memory storing a change of the angle parameter inputted by said parameter changing means for a user, said control means reading the treatment position and the reclining angle stored in said memory and operating the treatment unit in that position and at the reclining angle (see abstract); except that it is silent regarding a user discrimination means for discriminating different users by a fingerprint. Kitawaki teaches (col. 25, lines 42-52) a fingerprint recognition system provided in a massage chair such that when a user touches the authentication section of the massage chair, the user setup data recording device send massage chair adjustment information, which is registered therein by the user to the massage chair as user setup data (fig. 38). The massage chair then adjusts the angle of a seatback, the operation time, massage type, strength and schedule on the basis of the received data for each user. As a result, the user can undergo massage with his or her favorite massage program. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention was made to modify the device in the Yuchi's reference, to include a fingerprint recognition system, as suggested and taught by Kitawaki, for the purpose of providing a discrimination means in order to identify a user who operates the massage device and execute different processes for respective user, thus obviating the need for user's

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manual re-setup process every time the user re-uses the massage device (col. 1, lines 48-54).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Inada et al. and Nonoue et al. disclose a massage chair. Tuomela et al. teaches a fingerprint recognition system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang D. Thanh whose telephone number is (571) 272-4982. The examiner can normally be reached on Monday-Thursday & alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Justine Yu can be reached on (571) 272-4835. The Central FAX phone number for the organization where this application or proceeding is assigned is (571) 273-8300 for all communications.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'Quang D. Thanh', with a long, sweeping horizontal stroke extending to the right.

Quang D. Thanh
Primary Patent Examiner
Art Unit 3771
(571) 272-4982